

FILED-ED4
AUG 14 2000
U.S. DISTRICT COURT
CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JOHN JENSEN and MARY JENSEN, his wife,)
Plaintiffs,)
vs.)
THE CITY OF WILMINGTON, an Illinois)
Municipal Corporation; WILLIAM WEILDING,)
as Mayor of the City of Wilmington in his)
official and individual capacity; JAY PLEASE)
in his official and individual capacity)
MARK COX, in his official and individual)
capacity; WILLIAM DAIKY, in his official)
and individual capacity; ROBERT KRENC)
in his official and individual capacity;)
J. MARTY ORR, in his official and individual)
capacity; LARRY KAITSCHUCK, in his official)
and individual capacity; ROY STRONG, in his)
official and individual capacity; DONNA)
JUSSELL, in her official and individual)
capacity,)
Defendants.)

00C 4960
No. 00

Jury Trial Demanded

JUDGE PALLMEYER

MAGISTRATE JUDGE ASHMAN

DOCKETED

AUG 15 2000

COMPLAINT AT LAW FOR VIOLATION OF CONSTITUTIONAL
CIVIL RIGHTS AND SUPPLEMENTAL/PENDANT STATE LAW CLAIMS

NOW COME the Plaintiffs, JOHN JENSEN and MARY JENSEN, by and through their attorney, JOSEPH M. WILLIAMS, who present this Complaint and state as follows:

JURISDICTION AND VENUE

1. This is an action seeking redress for the violation of rights guaranteed to the Plaintiffs by 42 U.S.C., Sec. 1983, as well as by the Fifth and Fourteenth Amendments to the U.S. Constitution and the principles of pendant jurisdiction.
2. That jurisdiction of this Court is invoked pursuant to 42 U.S.C., Sec. 1983, as well as 28 U.S.C., Secs. 1331 and 1343(3)(4), and 1367.
3. That venue is proper under 28 U.S.C., Sec. 1391(b).

THE PARTIES

4. That the Plaintiff, JOHN JENSEN, is a citizen and resident of Will County, State of Illinois, and is a joint tenant in fee of the real property commonly known as 32917 Nikki Lane, Wilmington, Illinois, 60481, legally described as:

"Lot 28, in Deer Park, Unit #2, a subdivision of part of the northwest quarter of section 3, township 52 north, range 9, east of the third principal meridian, according to the plat there of recorded July 1, 1994, as document No. R 94-66126; in Will County Illinois"

PIN No. 24-03-101-032

5. That the said real property is held jointly with Plaintiff, Mary Jensen, Plaintiff John Jensen's wife who is also a citizen and resident of Will County, Illinois.
6. That the Plaintiffs acquired the fee by Warranty Deed dated May 30, 1995. Exhibit "A".
7. That the City of Wilmington, constitutes an Illinois municipal corporation, being a body corporate and politic.
8. That William Weidling is Mayor of the City of Wilmington.
9. That William Weidling, M. Stanz, Jay Plesse, Mark Cox, William Daivy, Robert Krenc, J. Marty Orr, Roy Strong and Larry Kaitschuck are, each respectively, the present members of the City Council of the City of Wilmington.
10. That Donna Jussell is a payroll clerk for the City of Wilmington.

COUNT I

**VIOLATION OF 42 U.S.C., SEC.1983
SUBSTANTIVE DUE PROCESS VIOLATION -
MUNICIPAL DEFENDANT**

- 1 - 10. That Paragraphs 1 - 10, hereinabove, are hereby incorporated as Paragraphs 1 - 10 of this Count I.

11. That the above-identified realty of Plaintiffs Jensen, is on of 28 residential lots located in Deer Ridge Park Subdivision, Unit II, located in Wilmington, Illinois, developed as a Planned Unit Development (PUD). Exhibit "B".
12. That on or about November 4, 1997, the Defendant City, by and through the Defendant Mayor and the Defendant City Council, acting upon the municipal Defendant's behalf, implemented a moratorium on the issue of building permits for Deer Ridge Park Subdivision, Unit I. Exhibit "C".
13. That Deer Park Subdivision Unit I, was approved by the municipal Defendant and a Plat of Survey recorded on or about May 26, 1992. Exhibit "D".
14. That Unit II in Deer Ridge Park was approved by the Defendant municipality and a Plat of Survey recorded on or about June 21, 1994. Exhibit "E".
15. That the permit moratorium was caused, allegedly, due to some dispute with the overall Developer of Deer Ridge Park, over a bond to be posted and finish coats to be placed on the roads, which were to be private.
16. That the permit moratorium was extended to Unit II of Deer Ridge Park, and was announced at a regular meeting of the City Council by Donna Jussell, subsequently; the City has stated there is a hardship exception, but has no standards or guidelines and it is totally discretionary what is submitted to establish a hardship, the moratorium having continued to the present.
17. That Donna Jussell appears to have been unlawfully delegated the municipal authority to determine validity of applications for building and other permits and to act as a de facto councilperson with legislative authority at council meetings, with apparent approval of the Mayor and City Council.
18. That on or about January 18, 2000, at approximately 2:10 pm, Plaintiff John Jensen

telephoned City Hall to request paperwork and materials to apply for a hardship building permit and his call was returned at 2:15 pm by Donna Jussell, who told him he needed no such paperwork as any such hardship application for a building permit would be denied; upon being questioned as to why, she stated she would "see to it (i.e., that it was denied)" and then stated there was, in fact, no such thing as a "hardship" building permit.".

19. That said Ms. Jussell, though apparently only a payroll clerk at the Village and having no elected office or position, acts, and has acted, as spokesperson at Council meetings for the municipal authorities and makes demands and conditions of petitioners before the Council, and her demands are upheld or enforced, as to land use, permits, development and other matters.
20. That due to the purported conflicts with Daniel Russotti, the developer of the overall subdivision, in or about May, 1996, Jussell told him she would make sure he could never sell any more lots or make any money off the subdivision; she further stated she would make sure no black persons were ever allowed in to Deer Ridge Park on November 12, 1997, at a special homeowner's meeting; on information and belief that the partner of the developer is a black person.
21. That on February 7, 2000, Plaintiff John Jensen telephoned the Mayor and various Council members as to a hardship permit, but was given no reasonable answers or guidelines to obtain same; subsequently, John Jensen appeared in person at a council meeting and was essentially prevented from speaking and was told to go off into a hallway and talk to the City attorney, who was of no assistance.
22. That upon information and belief, since the permit moratorium of 1997, only one single permit, upon the basis of hardship, has ever been issued as to any unit in the

subdivision.

23. That leaving City Hall after attempting to obtain information as to a hardship permit, in or about July 2000, Plaintiff was followed out of town by a train of three (3) Wilmington squad cars, apparently, to harass and discourage Plaintiff Jensen from continuing to attempt to obtain a building permit.
24. That the building permit moratorium, as applied, and permits granted and refused have been done so arbitrarily, as to other lots than the Plaintiffs, permits, on a hardship basis or otherwise have been granted at the whim and caprice of Donna Jussell and municipal authority, including permits capriciously granted for 14, 16, 25 and a shed permit for lot 11, all in Unit II of said Subdivision, to persons the corporate authority and or Donnal Jussell view favorably, while viewing the Plaintiffs with disfavor.
25. That on information and belief, the corporate authority has altered permit and, or land use documents, copies of ordinances, codes, ignores or fails to comply with freedom of information requests and acts as a dictatorial cabal.
26. That there exists no criteria or standards for the obtaining of a hardship building permit from the municipal Defendant. **Exhibit F.**
27. That the Plaintiffs have a property interest cognizable under the laws of the State of Illinois and the United States Constitution.
28. That the Plaintiffs by action of the municipal Defendant, through its Mayor, council, and control-policy-making employees, including Donna Jussell, are arbitrarily, capriciously and unconstitutionally depriving the Plaintiffs the use and enjoyment of their real property, as a policy, custom or usage, with no legitimate nexus or corresponding benefit to the public health, safety, welfare or morals.
29. That said municipality is acting pursuant to color of law and engaging in an ongoing

violation of Plaintiffs' rights.

30. That the Plaintiffs have been treated unequally by the municipal Defendant through its officers and employees, based upon malicious, vindictive and irrational municipal actions as to the Plaintiffs, as a class, and, or as to that class of lot owners unable to obtain building permits for no valid public purpose.
31. That the Plaintiffs have been and are being treated differently from those lot owners similarly situated that were granted permits in Deer Ridge Park, Unit II, with no viable reason for the distinction, being wholly arbitrary.
32. That the actions and inactions of the Defendant, City of Wilmington, as alleged hereinabove, violate the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution, as well as 42 U.S.C., Sec. 1983, and, thus, deny to the Plaintiffs equal protection of the laws.
33. That the Plaintiffs have been injured in their Constitutional Rights and financially, and have suffered and are suffering irreparable harm as a proximate result of the conduct of the Defendant Municipality.

WHEREFORE, the Plaintiffs, JOHN JENSEN and MARY JENSEN, respectfully request that this

Court:

- A. Grant Judgment in favor of the Plaintiffs and against the Municipal Defendant, the City of Wilmington;
- B. Enter an order mandatorily enforcing the City of Wilmington to issue a building permit and other such necessary permits for the development and use of the subject property;
- C. Award the Plaintiffs actual damages, to be determined, but in no event in an amount less than Fifty Thousand Dollars (\$50,000.00);

- D. Award Plaintiffs their attorneys fees and costs, pursuant to 42 U.S.C., Sec. 1988;
- E. For such other and further relief in the premises as is just and proper.

COUNT II

SEC. 1983 - SUBSTANTIVE DUE PROCESS VIOLATION - MUNICIPAL DEFENDANT

- 1-29. That the Plaintiffs incorporate Paragraphs 1-29 of Count I, hereinabove, as Paragraphs 1 - 29 of this Count II.
- 30. That section 150.31 of the Wilmington Zoning Code, PUD ordinance, sets out conditions for the granting of building permits which allows building permits to be issued for construction in a PUD after approval, which approval Phase II of Deer Ridge Subdivision received, as above-stated; the Defendant municipality has no public purpose in the moratorium of building permits and Plaintiffs have a clean legal substantive right and entitlement to be allowed to obtain a building permit for use and enjoyment and, or development or sale of their real property, which due to the unlimited moratorium cannot presently be developed, economically used or sold.
- 31. That the arbitrarily applied standards and criteria of the municipal Defendant as to the issuing of building permits are deliberately arbitrary, capricious, done for no viable public reason and in violation of the right to, and of substantive, Constitutional due process of the Plaintiffs.

WHEREFORE, the Plaintiffs, JOHN JENSEN AND MARY JENSEN, respectfully request that this

Court:

- A. Grant Judgment in favor of the Plaintiffs and against the Municipal Defendant, the City of Wilmington;
- B. Enter an order mandatorily enforcing the City of Wilmington to issue a building

and other such necessary permits for the development and use of the subject property;

- C. Award the Plaintiffs actual damages, to be determined, but in no event in an amount less than Fifty Thousand Dollars (\$50,000.00);
- D. Award Plaintiffs their attorneys fees and costs, pursuant to 42 U.S.C., Sec. 1988;
- E. For such other and further relief in the premises as is just and proper.

COUNT III

**SEC. 1983 - TAKING OF PROPERTY/INVERSE CONDEMNATION -
MUNICIPAL DEFENDANT**

- 1-29. That the Plaintiffs incorporate Paragraphs 1-29 of Count I, hereinabove, as Paragraphs 1-29 of this Count III.
- 30. That the Fifth Amendment to the U.S. Constitution guarantees that private property shall not be taken for public use without just compensation, as applied through the Fourteenth Amendment.
- 31. That the irrational building permit moratorium and Plaintiffs' stated inability to obtain a hardship building permit in these circumstances as to a residential lot denies all economic, beneficial or productive use of Plaintiffs land and prevents realization of economic expectations; the Plaintiffs, absent a valid public purpose for the restriction imposed, have an entitlement to develop their real property as intended upon application and approval by the Defendant municipality.
- 32. That actions of the municipal Defendants, as aforesigned, constitute a taking of the Plaintiff's property and property rights, in the nature of the exercise of eminent domain.
- 33. That, accordingly, the Defendant municipality has inversely condemned the Plaintiff's

realty.

34. That the Plaintiffs have been injured in their property rights thereby and economically by inability to build, inability to develop, inability to sell or otherwise economically or beneficially use said property.

WHEREFORE, the Plaintiffs, JOHN JENSEN and MARY JENSEN, respectfully request that this

Court:

- A. Grant Judgment in favor of the Plaintiffs and against the Municipal Defendant, the City of Wilmington;
- B. Enter an order mandatorily enforcing the City of Wilmington to issue a building and other such necessary permits for the development and use of the subject property and to pay the fair market value of the temporary taking of the Plaintiff's realty, or alternatively, to pay the Plaintiffs the full, fair market value thereof and transfer title to the Municipality.
- C. Award the Plaintiffs actual damages, to be determined, but in no event in an amount less than Fifty Thousand Dollars (\$50,000.00);
- D. Award Plaintiffs their attorneys fees and costs, pursuant to 42 U.S.C., Sec. 1988;
- E. For such other and further relief in the premises as is just and proper.

COUNT IV

LIABILITY OF INDIVIDUAL DEFENDANTS - VIOLATION 42 U.S.C. 1983

- 1 - 10. That the Plaintiffs reallege and reassert Paragraphs 1 - 10 of Count I, hereinabove, as Paragraphs 1 - 10, of this Count IV.
11. That on or about November 4, 1997, the City of Wilmington, by and through its Mayor

and Council, implemented a moratorium on the issuance of building permits for Deer Ridge Park Subdivision, Unit I, which has been continued to the present as to the subdivision as a whole, including Unit II.

12. That the individual Defendants, WEILDING, PLESE, COX, DAIKY, KRENC, MARTY ORR, KAITSCHUCK, STRONG AND JUSSELL, and each of them, have unconstitutionally, arbitrarily, capriciously and knowingly, violated or recklessly violated well-settled principles of law, participated knowingly, or with reason to know, in the violation of the Plaintiffs' rights to use, develop, sell, enjoy or benefit from their real property by purposefully preventing Plaintiffs from obtaining a building permit from the City of Wilmington.
13. That the individual Defendants, as aforesated, and each of them purposefully created and or maintained a moratorium on development of Deer Ridge Park and manipulated the permit process for their own private, malicious or politically motivated purposes the granting or non-granting of building and similar permits.
14. That the individual Defendants, and each of them under color of law, acted as part and parcel of the ongoing mis-application, of policy, and or usage as to the wrongful and illegal manipulation of property development and permit issuance which they knew or should have known was wholly unconstitutional, pursuant to the Fifth and Fourteenth Amendments to the U.S. Constitution and which constituted violations of 42 U.S.C., Sec. 1983, based upon the Due Process Clause and, or the tenants of constitutional Equal Protection of the laws and, or the Fifth Amendment Taking Clause.
15. That the individual Defendants, and each of them exceeded their delegated authority by knowing or reckless unlawful violation of the rights of the Plaintiffs and acted wrongfully as individuals.

16. That due to the wrongful, arbitrary and capricious action of the specified Defendants, misusing and exceeding their lawful authority, the Plaintiffs have been grievously injured in their constitutional rights, as well as financially.

WHEREFORE, the Plaintiffs, JOHN JENSEN and MARY JENSEN, respectfully request that this

Court:

- A. Grant Judgment in favor of the Plaintiffs and against the individual Defendants.
- B. Award the Plaintiff actual damages, as established by the evidence, awarded jointly and individually against each individual Defendant, WILLIAM WEILDING, JAY PLESE, MARK COX, WILLIAM DAIYV, ROBERT KRENC J. MARTY ORR, LARRY KAITSCHUCK, ROY STRONG and DONNA JUSSELL.
- C. Award punitive or exemplary damages as determined by the Court, as to each individual Defendant..
- D. For such other and further relief in the premiss as is just and proper.

COUNT V

PENDANT CLAIM - MANDAMUS MUNICIPAL DEFENDANT

- 1. That this is a state civil action for the writ of mandamus.
- 2. That the actions complained of took place in Will County, State of Illinois.
- 3. That the facts stated herein established a clear legal entitlement vested in the Plaintiffs to be entitled to such permit or permits as necessary to use and, or develop their real property in the City of Wilmington.
- 4 - 29. That the Plaintiffs reallege and reassert Paragraphs 4 - 29, of Count I, hereinabove, as Paragraphs 4 - 29 of this Count V.
- 30. That the City of Wilmington has breached a clear legal duty and obligation to the

Plaintiffs who, under these circumstances, have an entitlement to a building and other necessary permits for the use and development of their property.

WHEREFORE, the Plaintiffs, JOHN JENSEN and MARY JENSEN, respectfully request:

- A. Judgment against the City of Wilmington;
- B. That a Writ of Mandamus issue to direct the City of Wilmington to issue a building and other necessary permits as to the Plaintiff's realty;
- C. Award the Plaintiffs actual damages, to be determined, but in no event in an amount less than Fifty Thousand Dollars (\$50,000.00);
- D. Costs of this action;
- E. For such other and further relief in the premises as is just and proper.

COUNT VI

PENDANT - INVERSE CONDEMNATION
MUNICIPAL DEFENDANT

1. That this is a state civil action for Inverse Condemnation.
2. That the actions complained of took place in Will County, Illinois, and the subject realty is located in that County.
3. That the actions complained of as to the Defendant City of Wilmington are unreasonably, arbitrary and constitutionally denying Plaintiffs use and enjoyment of their real property.
4. That the Plaintiffs reallege and reassert Paragraphs 4 - 34, of Count III, hereinabove, as Paragraphs 4 - 34 of this Count VI.

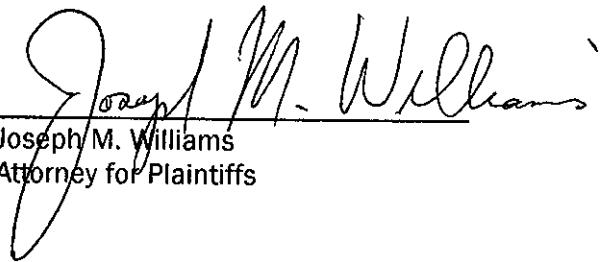
WHEREFORE, the Plaintiffs, JOHN JENSEN and MARY JENSEN, respectfully request that this Court:

- A. Grant judgment in favor of the Plaintiffs and against the municipal Defendant,

the City of Wilmington;

- B. Enter an order mandatorily enforcing the City of Wilmington to issue a building and other such necessary permits for the development and use of the subject property and to pay the fair market value of the temporary taking of the Plaintiff's realty, or alternatively, to pay the Plaintiffs the full, fair market value thereof and transfer title to the Municipality.
- C. Award the Plaintiffs actual damages, to be determined, but in no event in an amount less than Fifty Thousand Dollars (\$50,000.00);
- D. Award Plaintiffs their attorneys fees and costs, pursuant to 42 U.S.C., Sec. 1988;
- E. For such other and further relief in the premises as is just and proper.

Respectfully Submitted,



Joseph M. Williams
Attorney for Plaintiffs

Joseph M. Williams
Attorney No. 3128789
209 North Hale, Suite 201
Wheaton, Illinois 60187
(630) 462-7979 / (630) 462-8067

VERIFICATION

That, the undersigned, a Plaintiff herein, doth affirm and state pursuant to penalty of law that the facts pled in this Complaint are true and correct to the best of his knowledge, other than as to where the pleading is on information and belief, if any.



John Jensen

m 13 - 'WARRANTY DEED - Corporat'

R95-041396

in Legal Forms & Printing Co., Rockford, Ill.

Document No. _____ filed for Record in Recorder's office of _____ County, Illinois

at _____ o'clock _____ M.

CORPORATION WARRANTY DEED _____ Recorder of Deeds.

THIS INDENTURE WITNESSETH, That the Grantor

DEER RIDGE PARK, INC.

a corporation duly organized and existing under and by virtue of the laws of the State of _____ and duly authorized to transact business in the State where the following described real estate is located, for and in consideration of One Dollar and other good and valuable considerations, the receipt of which is hereby acknowledged, and pursuant to authority given by the Board of Directors of said corporation, CONVEYS AND WARRANTS to

John Jensen and Mary Jensen
Husband and wife

whose address is

422 Manmouth Ct., Aurora, IL 60504

the following described real estate to-wit:

LOT 28, IN DEER RIDGE PARK UNIT #2, A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 32 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 1, 1994 AS DOCUMENT #R94-66126; IN WILL COUNTY, ILLINOIS.

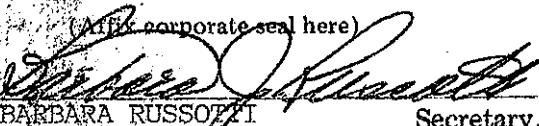
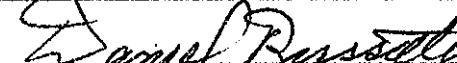
Commonly Known as: 32917 Nikki Lane, Wilmington, IL 60481
P.I.N. #24-03-101-032

Subject to conditions, restrictions, covenants and easements of record, easements for public utilities; zoning laws and ordinances; and general real estate taxes not due and payable at time of closing
(Continue legal description on reverse side)

situated in the County of WILL in the State of ILLINOIS

IN WITNESS WHEREOF, said Grantor has caused its corporate seal to be hereto affixed, and has caused its name to be signed to these presents by its CORPORATE President, and attested by its CORPORATE Secretary, this 30th day of MAY 1995.

DEER RIDGE PARK, INC.

Attest: 
By 
BARBARA RUSOTTI DANIEL RUSOTTI President.

STATE OF ILLINOIS

WILL

COUNTY

ss EXHIBIT A

I, the undersigned, a Notary Public, in and for said County, in the State aforesaid, DO HEREBY CERTIFY THAT _____
DANIEL RUSOTTI

personally known to me to be the CORPORATE President of the Corporation who is the grantor, and
Barbara russotti

personally known to me to be the corporate Secretary of said corporation, and personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person _____ and acknowledged that they are the CORPORATE President and CORPORATE

for and in consideration of One Dollar and other good and valuable considerations, the receipt of which is hereby acknowledged, and pursuant to authority given by the Board of Directors of said corporation,
CONVEYS AND WARRANTS

John Jensen and Mary Jensen
 Husband and wife

whose address is

422 Manmouth Ct., Aurora, IL 60504

the following described real estate to-wit:

LOT 28, IN DEER RIDGE PARK UNIT #2, A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 32 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 1, 1994 AS DOCUMENT #R94-66126; IN WILL COUNTY, ILLINOIS.

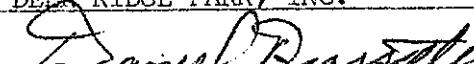
Commonly Known as: 32917 Nikki Lane, Wilmington, IL 60481
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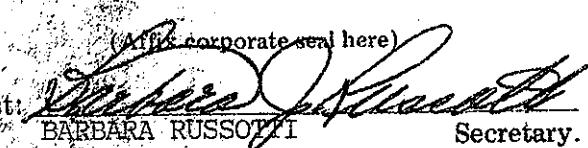
Subject to conditions, restrictions, covenants and easements of record, easements for public utilities; zoning laws and ordinances; and general real estate taxes not due and payable at time of closing.
 (Continue legal description on reverse side)

situated in the County of WILL in the State of ILLINOIS

IN WITNESS WHEREOF, said Grantor has caused its corporate seal to be hereto affixed, and has caused its name to be signed to these presents by its CORPORATE President, and attested by its CORPORATE Secretary, this 30th day of MAY 1995

DEER RIDGE PARK, INC.

By 
 DANIEL RUSOTTI President.

Attest: 
 BARBARA RUSOTTI Secretary.

STATE OF ILLINOIS

WILL COUNTY

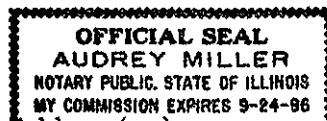
} ss

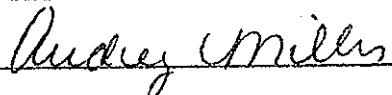
I, the undersigned, a Notary Public, in and for said County, in the State aforesaid, DO HEREBY CERTIFY THAT DANIEL RUSOTTI

personally known to me to be the CORPORATE President of the Corporation who is the grantor, and Barbara russotti

personally known to me to be the corporate Secretary of said corporation, and personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that as such CORPORATE President and CORPORATE Secretary, they signed and delivered the said instrument as CORPORATE President and CORPORATE Secretary, they signed and delivered the said instrument as CORPORATE President and CORPORATE Secretary of said corporation, and caused the corporate seal of said corporation to be affixed thereto, pursuant to authority, given by the Board of Directors of said corporation as their free and voluntary act, and as the free and voluntary act and deed of said corporation, for the uses and purposes therein set forth.

Given under my hand and Notarial Seal this 30th day of MAY 1995





Notary Public.

Future Taxes to Grantee's Address: (Blank)
 OR to

JOHN AND MARY JENSEN
 422 Manmouth Ct.
 Aurora, IL 60504

Return this document to:

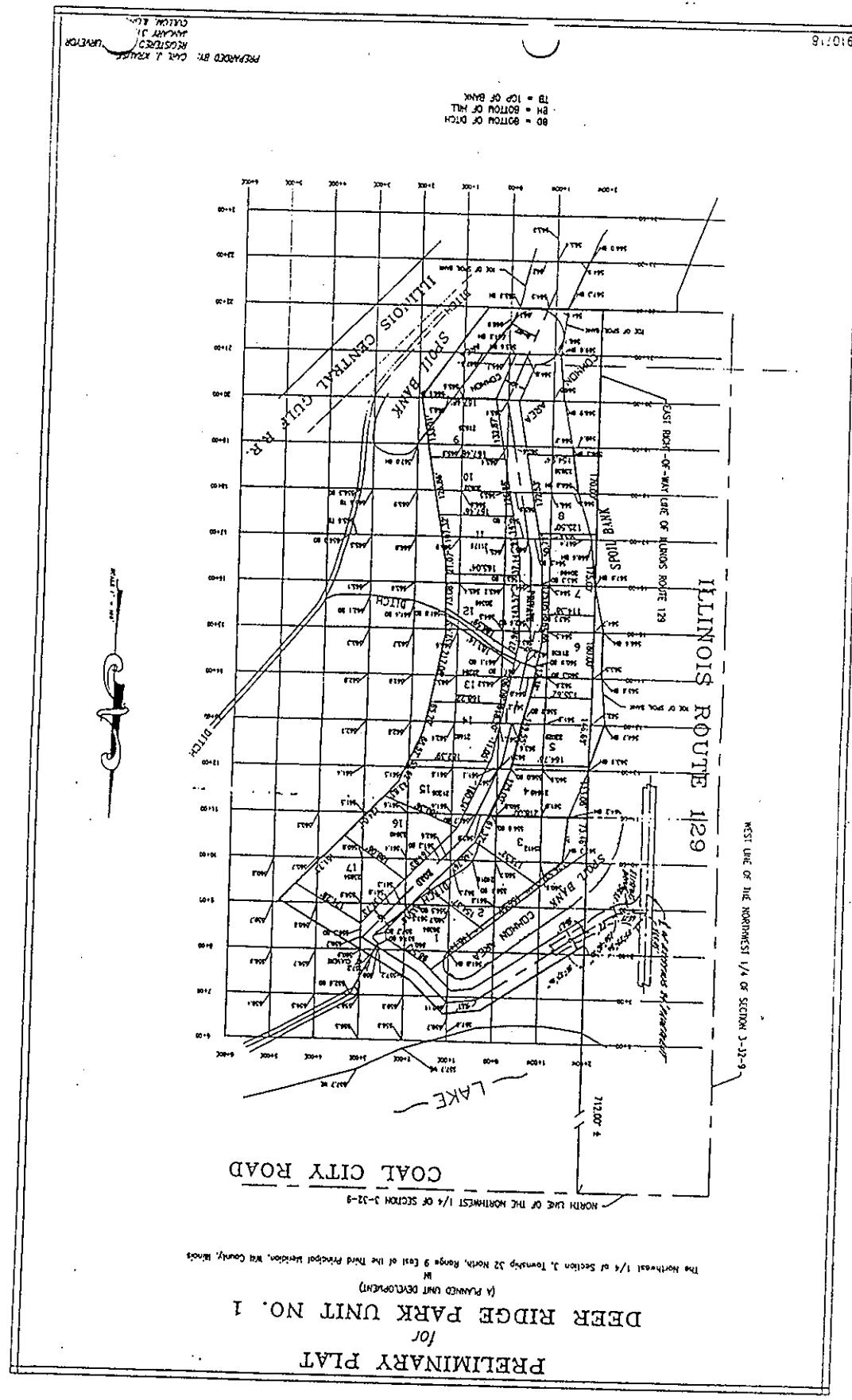
JOHN AND MARY JENSEN
 422 Manmouth Ct.
 Aurora, IL 60504

This Instrument was Prepared by: DEER RIDGE PARK, INC.

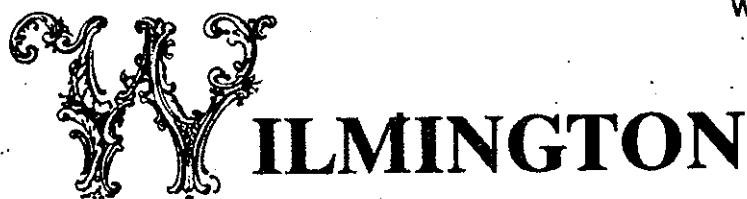
32841 S. Route 128, Wilmington, IL 60481

6/4/153
 1182
 USTitle

EXHIBIT



City of Wilmington
 1165 South Water Street
 Wilmington, Illinois 60481
 815-476-2175
 Fax 815-476-2276



July 1, 1997

TO: Property Owners in Deer Ridge Park Subdivision

RE: City of Wilmington/Deer Ridge Park Subdivision
 PIN #24-03-101-027

Dear Daniel Russotti:

As a property owner in Deer Ridge Park Subdivision, the City of Wilmington wants to advise you of the status of street improvements within your subdivision. Even though these streets are private, when the City of Wilmington approved this Subdivision's Development Plans, the City was assured that the streets would be constructed in conformance with the City of Wilmington standards.

The City recently inspected the streets in this development. Even though the Final Plat for Unit 1 was recorded on May 26, 1992 and Unit 2 was recorded on July 1, 1994, the private street improvements, as yet, have not been completed, pursuant to City of Wilmington Ordinance and Regulation.

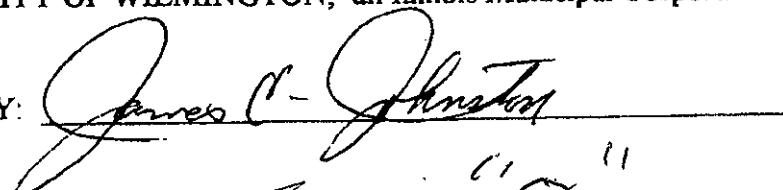
This letter is to advise you that at the City's regular meeting, held on May 21, 1996, the City Council of the City of Wilmington passed a motion to withhold building permits in Deer Ridge Subdivision until all street improvements are fully completed, pursuant to City standards.

Since you acquired titles to the property after May 26, 1996, we are assuming you were made aware of the above action at the time of purchase.

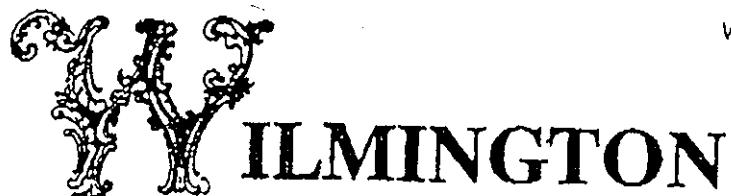
Very truly yours,

CITY OF WILMINGTON, an Illinois Municipal Corporation

BY:


 EXHIBIT "C"

City of Wilmington
1165 South Water Street
Wilmington, Illinois 60481
815-476-2175
Fax 815-476-2276



November 5, 1997

Mr. Gary Frazier
105 E. 2nd Street
Coal City, IL 60416

RE: Deer Ridge Subdivision
PIN # #24-03-101-003-0000

Dear Mr. Frazier:

At its regular meeting conducted on Tuesday November 4, 1997 the City Council of Wilmington took certain action involving Deer Ridge Subdivision. The Council action included the City would not issue building or other permits for this subdivision until the developer fully completes or provides sufficient financial security acceptable to the City to fully and timely complete the subdivision improvements. However, the City Council will consider requests for permits for Deer Ridge Unit I on a hardship basis.

Upon compliance with the City's requirements, the building permit ban for this development will be lifted.

Sincerely,

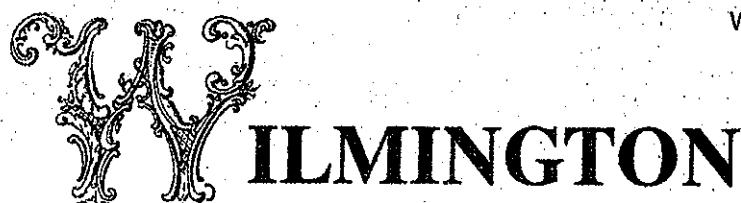

Joe Tryer, Alderman
City of Wilmington

JT/sj

EXHIBIT



City of Wilmington
1165 South Water Street
Wilmington, Illinois 60481
815-476-2175
Fax 815-476-2276



November 5, 1997

Mr. and Mrs. John Jensen
422 Manmouth Court
Aurora, IL 60504

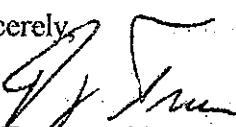
RE: Deer Ridge Subdivision
PIN # #24-03-101-032-0000

Dear Mr. and Mrs. Jensen:

At its regular meeting conducted on Tuesday November 4, 1997 the City Council of Wilmington took certain action involving Deer Ridge Subdivision. The Council action included the City would not issue building or other permits for this subdivision until the developer fully completes or provides sufficient financial security acceptable to the City to fully and timely complete the subdivision improvements. However, the City Council will consider requests for permits for Deer Ridge Unit I on a hardship basis.

Upon compliance with the City's requirements, the building permit ban for this development will be lifted.

Sincerely,


Joe Tryner, Alderman
City of Wilmington

JT/sj

LAW OFFICES

HERSCHBACH, TRACY, JOHNSON, BERTANI & WILSON
SIXTH FLOOR, TWO RIALTO SQUARE

WAYNE R. JOHNSON
THOMAS R. WILSON
RICHARD H. TEAS
GEORGE F. MAHONEY III
RAYMOND E. MEADER
A. MICHAEL WOJTAK
KENNETH A. CARLESON
DAVID J. SILVERMAN
ROGER D. RICKMON
JOHN S. GALLO
THOMAS H. CROSS III
GEORGE M. FERRETTI
RICHARD E. VOGEL
KERRY A. WEBB
CHRISTINE MCABEY

118 N. CHICAGO STREET
JOLIET, ILLINOIS 60432
TELEPHONE (815) 723-8500
FAX (815) 727-4846

KENDALL COUNTY OFFICE
10 N. MAIN STREET
OSWEGO, ILLINOIS 60433
TELEPHONE (830) 864-8500
FAX (830) 864-8975

OF COUNSEL
DONALD J. TRACY
LOUIS R. BERTANI
JOHN L. O'BRIEN
RETIRING PARTNER
WALTER O. HERSCHEBACH

October 3, 1997

RECEIVED
BRUMUND & JACOBS

COPY

OCT 6 1997

Mr. Myles L. Jacobs
Brumund & Jacobs
Attorneys at Law
57 North Ottawa Street
Suite 412
Joliet, IL 60432-1370

RE: City of Wilmington/Deer Ridge Park Subdivision

Dear Myles:

I received your October 2, 1997 faxed letter and I have forwarded a copy to Wilmington City officials.

As I related, the streets in this subdivision were private without any intention by the developer to dedicate them to the City of Wilmington. As you may recall, the City, in deference to its residents in Deer Ridge Park, had several meetings with Daniel Russotti, his attorney and his engineer in an effort to have the developer finish the improvements to the private streets in this development.

Wilmington made a very determined effort to have this resolved in a fashion that would be acceptable to the residents as well as palatable to the developer. However, the street work was not completed. Consequently, the corporate authorities of Wilmington moved to preclude the issuance of any building permits for undeveloped lots in this subdivision until the street work was completed. Wilmington has taken the additional step of notifying the owners of record on the ban of issuing building permits until the requisite street work is completed. Since the streets themselves were not part of the public dedication, it is my position that they were not subject to the usual bond or letter of credit which would otherwise be a condition to improvements to be dedicated and accepted by a municipality.

Mr. John C. Jensen
524 Strong Avenue
Joliet, IL 60433

June 25, 2000

Dear Mayor Weidling,:.

This letter is to serve as a request for a building permit for property that I own within the city limits of Wilmington. I would like to have a building permit attached to lot # 28 on Nikki Lane in the subdivision known as Deer Ridge Park. The reasons I need this to be done are as follows:

- I cannot build a home
- I cannot sell the property without disclosing that there are no building permits being issued for this property. In the last year, we have had a few prospective, serious buyers; who when they found out there were no building permits being issued; would not consider purchasing it.

I have owned this property since the Spring of 1995. Our intention was to build a home a few years down the road. Since February of 1999, neither myself or my wife have been gainfully employed; therefore, we not only are having difficulty making the monthly mortgage payment and pay the yearly taxes; but have had to move in with our parents in order to try to pay our bills. Had we been able to sell the property last year, we would not be on the verge of bankruptcy.

Therefore, I hope you will consider our dire need to sell this property and attach a permit to lot # 28 of Deer Ridge Park.

Sincerely,

John C. Jensen

cc: C. Chew, R.Strong, J.Piese, M.Cox, W. Davy, R. Keme, J. Martyorr, L. Kaischuck.

(7)

City Of Wilmington
1165 S. Water Street
Wilmington, Illinois 60481

815-476-2175
815-476-2176
815-476-2798
FAX 815-476-2276

June 17, 1994

To Mayor & City Council
City of Wilmington

Your Planning Commission reports that it held a duly and properly advertised Special meeting on June 16, 1994 at 7:00 p.m.

The Planning Commission recommends to the City Council the approval of final plat for Deer Ridge Park Unit II.

The Board also recommends to the City Council approval of preliminary plat for Riverwood Estates Phase 4 as shown on the drawings.

Also, the Board made a motion to allow Joe Palermo to take the Procedural Checklist and Proposed Land Subdivision Ordinance to the City Attorney to put them in a finalized form for the Planning Commission approval.

The next regular meeting of the Board will be held on July 7, 1994 at 7:00 p.m.

Sincerely,

Joe Palermo
Chairman
PLANNING COMMISSION

Joe Palermo

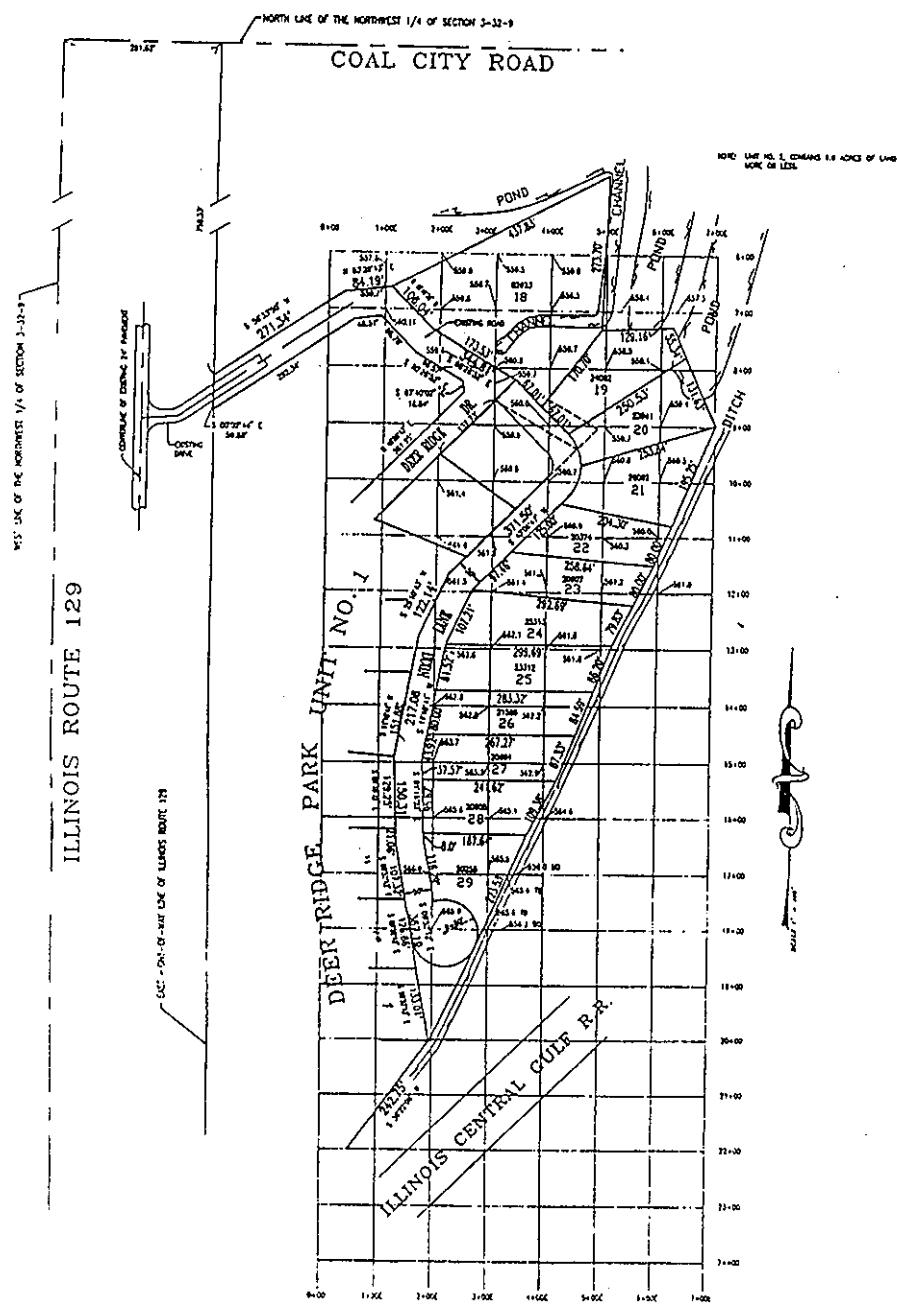
JP:mam

WILLMINGTON

PRELIMINARY PLAT
for
DEER RIDGE PARK UNIT NO. 2

(A PLANNED UNIT DEVELOPMENT)

The Northwest 1/4 of Section 3, Township 32 North, Range 9 East of the Third Principal Meridian, Will County, Illinois.



80 • SECTION OF DICH
78 • TCP OF BARK

PREPARED BY: CAP. L. KRUSE
REGISTERED LAND SURVEYOR
JANUARY 11, 1993
CHICAGO, ILLINOIS

EXHIBIT

RECORDED FOR BUREAU OF INVESTIGATION, U.

AUG-04 00 11:58 FROM:

TO: 16304628067

PAGE: 01

The Law Firm of
MAHONEY, SILVERMAN & CROSS, LTD.

2701 BLACK ROAD
 SUITE 200
 JOLIET, IL 60435
 815/730-9500
 fax 815/730-9598
 e-mail mscltdlaw@aol.com

GEORGE F. MAHONEY III
 DAVID J. SILVERMAN
 THOMAS H. CROSS III
 ERIC P. HANSON
 DANIEL F. D'ATROMO

OSWEGO, ILLINOIS
 630/554-7800

March 1, 2000

John C. Jensen
 524 Strong Ave
 Joliet, Illinois 60433

Re: Deer Ridge

Dear Mr. Jensen:

As you are aware, our firm represents the City of Wilmington. I am in receipt of a copy of your February 19, 2000 letter. I think it would be helpful in the Council's review of your request for a hardship that you supply it with whatever documents and written information you might have to substantiate the basis for your claim, including but obviously not restricted to information when you acquired the property and the hardship you allege. Certainly what information, if any, you choose to give the Council is left exclusively within your discretion.

Once I have received your response with any information you might want to share, I will get that to the City so that a Committee and ultimately a full Council can consider your request as it relates to the Council's prior motion.

Very truly yours,

MAHONEY, SILVERMAN & CROSS, LTD.

By:

George F. Mahoney III

EXHIBIT "F"

GFM/mr

44
ev. 12/96)

CIVIL COVER SHEET

e JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil dock system. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

a) PLAINTIFFS

JOHN JENSEN
MARY JENSEN

JUDGE PALMMEYER

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF
(EXCEPT IN U.S. PLAINTIFF CASES)

AUG 15 2000

DUCKETED

DEFENDANTS CITY OF WILMINGTON, ILL; WILLIAM
WEILDING; JAY BLASKE; MARK COX; WILLIAM
DAIY; ROBERT KARNE; J. MARTY ORR; LARRY
JUSSELL

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT

WILL

(IN U.S. PLAINTIFF CASES ONLY)

IN LAND LITIGATION CASES, USE THE LOCATION OF THE
TRACT OR LAND IN QUESTION

00C 4960

MAGISTRATE JUDGE ASHM

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

JOSEPH M. WILLIAMS 630-462-
209 N. WALE 7979
WHEATON, IL. 60187

ATTORNEYS (IF KNOWN)

BASIS OF JURISDICTION

(PLACE AN "X" IN ONE BOX ONLY)

1 U.S. Government Plaintiff
2 U.S. Government Defendant

3 Federal Question (U.S. Government Not a Party)
 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

PTF DEF

Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

I. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened

Transferred from
another district
(specify)

5

6 Multidistrict Litigation

Appeal to District Judge from
 7 Magistrate Judgment

. NATURE OF SUIT

(PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
110 Insurance 120 Marine 130 Miller Act 140 Negotiable Instrument 150 Recovery of Overpayment & Enforcement of Judgment 151 Medicare Act 152 Recovery of Defaulted Student Loans (Excl. Veterans) 153 Recovery of Overpayment of Veteran's Benefits 160 Stockholders' Suits 190 Other Contract 195 Contract Product Liability	<p><input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury</p> <p><input type="checkbox"/> PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury – Med. Malpractice <input type="checkbox"/> 365 Personal Injury – Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability</p> <p><input type="checkbox"/> PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth In Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability</p>	<p><input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881</p> <p><input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other</p>	<p><input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157</p> <p><input type="checkbox"/> PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark</p> <p><input type="checkbox"/> LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations</p> <p><input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act</p> <p><input type="checkbox"/> 790 Other Labor Litigation</p> <p><input type="checkbox"/> 791 Emp. Ret. Inc. Security Act</p> <p><input type="checkbox"/> SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))</p>	<p><input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410</p> <p><input type="checkbox"/> 881 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 990 Other Statutory Actions</p>
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS		
1210 Land Condemnation 1220 Foreclosure 1230 Rent Lease & Ejectment 1240 Torts to Land 1245 Tort Product Liability 1290 All Other Real Property	<p><input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 444 Welfare <input checked="" type="checkbox"/> 440 Other Civil Rights</p>	<p><input type="checkbox"/> 510 Motions to Vacate Sentence HABEAS CORPUS: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition</p>		

VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE.
DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)

42 USC, § 1983, 1988

VII. REQUESTED IN COMPLAINT

CHECK IF THIS IS A CLASS ACTION
 UNDER F.R.C.P. 23

DEMAND \$ EXCESS

OF

\$50,000.00

CHECK YES only if demanded in complaint

JURY DEMAND:

 YES NO

VIII. This case

is not a refiling of a previously dismissed action.

is a refiling of case number _____, previously dismissed by Judge _____

DATE

SIGNATURE OF ATTORNEY OF RECORD

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

In the Matter of

JOHN JENSEN, ET AL.
V. CITY OF WILMINGTON,
ILL., ET AL.

FILED-ED4

Case Number 00-cv-04960

08/14 PM 2:15

CLERK
U.S. DISTRICT COURT

APPEARANCES ARE HEREBY FILED BY THE UNDERSIGNED AS ATTORNEY(S) FOR:

JOHN JENSEN, MARY JENSEN

DOCKETED

AUG 15 2000

(A)		(B)	
SIGNATURE <i>Joseph M. William</i>		SIGNATURE <i>JUDGE PALLMEYER</i>	
NAME JOSEPH M. WILLIAMS		NAME <i>MAGISTRATE JUDGE ASHMAN</i>	
FIRM SOLO		FIRM	
STREET ADDRESS 209 N. HALE ST.		STREET ADDRESS	
CITY/STATE/ZIP WHEATON, ILL. 60187		CITY/STATE/ZIP	
TELEPHONE NUMBER 630-462-7979	FAX NUMBER 630 462-8067	TELEPHONE NUMBER	FAX NUMBER
E-MAIL ADDRESS <i>N.A.</i>		E-MAIL ADDRESS	
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) 3128789		IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)	
MEMBER OF TRIAL BAR? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		MEMBER OF TRIAL BAR? YES <input type="checkbox"/> NO <input type="checkbox"/>	
TRIAL ATTORNEY? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		TRIAL ATTORNEY? YES <input type="checkbox"/> NO <input type="checkbox"/>	
		DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/>	
(C)		(D)	
SIGNATURE		SIGNATURE	
NAME		NAME	
FIRM		FIRM	
STREET ADDRESS		STREET ADDRESS	
CITY/STATE/ZIP		CITY/STATE/ZIP	
PHONE NUMBER	FAX NUMBER	TELEPHONE NUMBER	FAX NUMBER
E-MAIL ADDRESS		<i>Y3</i>	
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)		IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)	
MEMBER OF TRIAL BAR? YES <input type="checkbox"/> NO <input type="checkbox"/>		MEMBER OF TRIAL BAR? YES <input type="checkbox"/> NO <input type="checkbox"/>	
TRIAL ATTORNEY? YES <input type="checkbox"/> NO <input type="checkbox"/>		TRIAL ATTORNEY? YES <input type="checkbox"/> NO <input type="checkbox"/>	
DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/>		DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/>	